



DEVIN DERHAM-BURK, #104353
CHAPTER 13 STANDING TRUSTEE
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The following constitutes the order of the Court.
Signed: April 24, 2023

M. Elaine Hammond

M. Elaine Hammond
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

IN RE:

Y. ROGER YU,

Debtor.

CHAPTER 13 CASE No. 23-50023 MEH

**ORDER GRANTING MOTION BY
CHAPTER 13 TRUSTEE TO DISMISS
CASE FOR FAILURE TO MAKE FIRST
PLAN PAYMENT**

Hearing Date: April 20, 2023

Hearing Time: 1:30 p.m.

Judge: Hon. M. Elaine Hammond

Place: United States Bankruptcy Court
280 S. First Street, Courtroom 11
San Jose, CA 95113

-or-

Telephonic or Video

A hearing on the Motion To Dismiss Case For Failure To Make First Plan Payment (the "Motion"), filed by the Standing Chapter 13 Trustee, Devin Derham-Burk (the "Trustee"), was held on April 20, 2023 at 1:30 p.m. Appearances were noted in the record. Based on the record before the Court, no opposition to the Motion having been filed, and good cause appearing therefor, IT IS HEREBY ORDERED THAT:

1) The Motion is granted;

- 1 2) This case is dismissed without prejudice, **effective May 1, 2023**;
- 2 3) The Court shall retain jurisdiction post-dismissal with respect to a settlement agreement
- 3 filed by the above-captioned debtor (the “Debtor”) on April 19, 2023 under seal [Docket #76];
- 4 4) After payment of allowed adequate protection payments, if any, and administrative
- 5 costs or fees, the Trustee shall return to the Debtor any remaining balance of the Debtor’s funds
- 6 on hand;
- 7
- 8 5) Notwithstanding the dismissal of the case, the Trustee shall remit to the Clerk of the
- 9 Court funds from any previously disbursed checks that remain un-cashed;
- 10 6) The Trustee shall submit at a later date her Trustee’s Final Report for approval by the
- 11 Court; and
- 12 7) Notice of the dismissal shall be served upon all parties by the Clerk of the Court.
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14 ***** END OF ORDER *****

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COURT SERVICE LIST

Case Name: In re Yu

Case No.: 23-50023 MEH

Registered ECF Participants will receive an electronically mailed copy of the foregoing document.

Non-registered parties, and/or those not represented by a registered ECF participant:

[NONE].